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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-15503-2025 (O&M)

Date of decision : 23.07.2025

Gagan**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Dharamvir Sharma, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 112 dated 21.12.2024, registered under Sections 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Punjab Agriculture University (PAU), Ludhiana.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 21.12.2024, on the basis of secret information, the petitioner and co-accused Ravi Kumar, while coming on a scooter bearing registration number PB-02-EK-1454, were apprehended by a police party and on conducting their personal search, recovery of 500 grams of opium was effected from the petitioner, whereas 03 kgs. of opium was recovered from the co-accused. Both of them were formally arrested at the spot. On the basis of the disclosure statement suffered by co-accused Ravi Kumar, one Manish Arora was also nominated in this case. After completion of necessary

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investigation and usual formalities, *challan* was presented in the Court on 29.03.2025 and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences. He had moved an application for grant of regular bail before the learned trial Court but the same had been dismissed, vide order 14.02.2025.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. In fact, the alleged recovery was planted upon him. More so, as per own version of the prosecution, only 500 grams of opium was recovered from the petitioner and it was co-accused Ravi Kumar, from whom recovery of 03 kgs. of opium was effected. It is further argued that the recovery effected from the aforesaid co-accused cannot be added to bring it within the ambit of commercial quantity. Reliance in this regard is placed on the authority cited as *Amarsingh Ramjibhai Barot vs. State of Gujarat : 2005(7) SCC 550*. The petitioner has clean antecedents and is not involved in any other case. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 21.12.2024. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

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5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the prosecution, recovery of 500 grams of opium was effected from the petitioner, whereas 03 kgs. of opium was recovered from above named co-accused. The quantity of the contraband recovered from the petitioner does not fall under the commercial quantity, threshold quantity of which is 2.5 kgs. Hence, in view of ratio of law as laid down in *Amarsingh's* case (supra), it will be a question of debate as to whether the recovery effected from the co-accused can be taken into consideration against the present petitioner to bring it within the ambit of commercial quantity and the same can be decided by the learned trial Court at the final conclusion of trial after appreciating the entire material and evidence placed on record before it. The petitioner has clean antecedents and is not involved in any other case. He is in custody since 21.12.2024. Investigation has since been completed and challan has been filed. However, no prosecution witness has been examined so far, which means conclusion of trial is likely to take time. Keeping in view the discussion as made above, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

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7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

23.05.2025

Waseem Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No